Remarks

Claims 1-4, 11-12, 14 and 15 have been cancelled. Claims 5-10 and 13 have been amended to

conform to the restriction requirement. Applicants reserve the right to file a divisional application to the

deleted subject matter.

Applicants hereby affirm the oral election of Group I, claims 5-10, 13, 15 and 16, made by

Applicants' representative on November 19, 2004. Group I as defined in the Office Action limits R<sub>2</sub> to

imidazoyl groups. Applicants request that variable R<sub>2</sub> be defined broader, as recited in amended Claim 4:

"a heteroaryl group comprising two or more ring nitrogen atoms." Applicants request reconsideration of

the definition of R<sub>2</sub>.

Claims 1 and 2 have been rejected under 35 U.S.C. § 101. Since these claims have been

cancelled, the rejection is moot.

Claims 1-4 have been rejected under 35 U.S.C. § 112. Since these claims have been cancelled, the

rejection is moot.

Claims 11, 12 and 14 are drawn to non-elected subject matter and accordingly have been

cancelled by the above amendments.

Claims 5-10, 13, 15, 16 and 17 are allowable if limited to the elected group. These claims have

been amended herein to conform to the restriction requirement and Applicants assert that these claims are

in condition for allowance which action is earnestly solicited.

Respectfully submitted,

Attorney for Applicants

Lydia T. McNally

Reg. No. 36,214

**Novartis** 

Corporate Intellectual Property One Health Plaza, Building 430

East Hanover, NJ 07936-1080

(862) 778-7898

Date: May 18, 2005

- 10 -